

# HOUSE BILL No. 2035

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 15-5-12-1; IC 15-5-12-3.

**Synopsis:** Dangerous dogs. Specifies that a dog owner may be held civilly liable if the owner's dog attacks an individual, even if the attack occurs on the owner's property. Provides that a dog owner may be criminally liable for unreasonably failing to restrain the dog, even if the dog attack occurs on the owner's property.

**Effective:** July 1, 2001.

## Kruzan

January 17, 2001, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 2035

A BILL FOR AN ACT to amend the Indiana Code concerning livestock and animal control.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 15-5-12-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. If a dog, without  
3 provocation, bites any person who is **acting** peaceably ~~conducting~~  
4 ~~himself~~ in any place where **he the person:**

5 **(1) has the right to be; or**

6 **(2) may be required to go for the purpose of discharging any duty**  
7 **imposed upon him by the laws of this state or Indiana, by the**  
8 **laws of the United States, by the Constitution of the State of**  
9 **Indiana, by the Constitution of the United States, or by postal**  
10 **regulations of the United States; of America;**

11 the owner of such dog may be held **civilly** liable for any damages  
12 suffered by the person bitten, regardless of the former viciousness of  
13 such dog, ~~or~~ the owner's knowledge of such viciousness, **or the fact**  
14 **that the bite occurred on the owner's property.**

15 SECTION 2. IC 15-5-12-3 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) An owner of a



dog commits a Class C misdemeanor if the owner recklessly, knowingly, or intentionally fails to take reasonable steps to restrain the dog, and

~~(1) the dog enters property other than the property of the dog's owner; and~~

~~(2) as the result of the failure to restrain the dog, the dog bites or attacks another person resulting in unprovoked bodily injury to the other person;~~

except as provided in subsection (b).

(b) The offense under subsection (a) is:

(1) a Class B misdemeanor if the person has been convicted of one (1) previous unrelated violation of this section;

(2) a Class A misdemeanor if:

(A) the person has been convicted of more than one (1) previous unrelated violation of this section; or

(B) the violation results in serious bodily injury to a person;

(3) a Class D felony if the owner recklessly violates this section and the violation results in the death of a person; and

(4) a Class C felony if the owner intentionally or knowingly violates this section and the violation results in the death of a person.

**(c) It is not a defense to an offense under this section that the dog bite or attack occurred on the dog owner's property if:**

**(1) the victim was required to enter the dog owner's property for the purpose of discharging any duty imposed upon the victim by the laws of Indiana, by the laws of the United States, by the Constitution of the State of Indiana, by the Constitution of the United States, or by postal regulations of the United States; or**

**(2) the victim reasonably believed that the victim was permitted to enter the dog owner's property.**

**SECTION 3. [EFFECTIVE JULY 1, 2001]. IC 15-5-12-1 and IC 15-5-2-3, both as amended by this act, apply only to acts committed after June 30, 2001.**

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